

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL G. CAMPBELL,
Plaintiff

V.

HALLSMITH-SYSCO FOOD SERVICES,
INC.,
Defendant

CIVIL ACTION NO. 05-CV-10522-
WGY

JOINT SCHEDULING CONFERENCE STATEMENT

The parties present this Joint Statement pursuant to Local Rule 16.1(D).

STATEMENT OF THE CASE

The plaintiff in this action, Michael Campbell, alleges that he was subjected, *inter alia*, to discrimination and a hostile work environment on the basis of sexual orientation in violation of M.G.L. c. 151B, §4 while employed by the defendant, Hallsmith-Sysco Food Services, Inc. ("Hallsmith-Sysco"). Mr. Campbell was employed in Hallsmith-Sysco's warehouse operation. Mr. Campbell has also included a count for infliction of emotional distress.

Hallsmith-Sysco has denied Mr. Campbell's allegations and has moved to dismiss Count II of his Complaint as being preempted by the Massachusetts Workers' Compensation Act.

The plaintiff first asserted his claims before the Massachusetts Commission Against Discrimination. Those claims were withdrawn by the plaintiff prior to any determination of probable cause. The case was originally filed in the Bristol Superior Court and removed to this Court based upon diversity of citizenship.

PROPOSED PRE-TRIAL SCHEDULE

1. All automatic discovery, disclosure of the information and materials pursuant to Fed. R. Civ. Pro. 26(a)(1) to be completed by June 27, 2005;
2. Amendments to the pleadings by June 27, 2005;
3. Written discovery served by August 31, 2005 and all written discovery completed by October 15, 2005;
4. All depositions, except expert depositions, to be completed by February 28, 2006;
5. All trial experts to be designated by May 1, 2006;
6. Disclosure of information contemplated by Federal Rule of Civil Procedure 26(a)(2) to be provided by May 1, 2006;
7. Expert depositions are to be completed by June 2, 2006;
8. All dispositive motions, including motions for summary judgment, are to be filed by July 14, 2006, responses are to be filed by August 18, 2006; and
9. Final Pre-Trial Conference to be scheduled at the Court's convenience.

TRIAL BY MAGISTRATE

The defendant does not consent to trial by Magistrate Judge at this time.

RULE 16.1 CERTIFICATIONS

The certification of the parties and their counsel are attached hereto.

Respectfully submitted,

MICHAEL CAMPBELL

By his counsel,

/s
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Dated: May 9, 2005

Respectfully submitted,

HALLSMITH-SYSCO FOOD SERVICES,
LLC

By its attorneys,

/s
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